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C O N F I D E N T I A L SECTION 01 OF 02 BEIJING 001529

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STATE FOR EAP/CM, DRL
NSC FOR WILDER

E.O. 12958: DECL: 04/21/2033

TAGS: PHUM PREL PGOV CH

SUBJECT: MFA PLEDGES POSITIVE CONSIDERATION FOR HUMAN
RIGHTS DIALOGUE REQUESTS, MAKES NO COMMITMENTS

REF: A. STATE 40765
B. BEIJING 1081

Classified By: Political Minister Counselor Aubrey Carlson. Reasons 1.
4 (b) and (d).

Summary

¶1. (C) While emphasizing that China's formal reply will come at a later date, MFA IO Human Rights Division Deputy Director Xu Jing on April 21 shared with PolOff her "preliminary reactions" to U.S. proposals for resuming the U.S.-China Human Rights Dialogue (HRD). China will give "positive consideration" to the U.S. requests that Assistant Foreign Minister (AFM) Liu Jieyi lead China's HRD delegation and that DRL Assistant Secretary Kramer meet with State Councilor Dai Bingguo or Foreign Minister Yang Jiechi, Xu said. The proposed May 26-27 dates for the dialogue appear to "work well," Xu stated, noting that China is now also willing to accept either Beijing or Washington as the venue. Xu said she believes China can accept all of the U.S. proposed dialogue topics but requested that the topics proposed by Washington be treated within the first part of the two-part framework agenda proposed by China in April, entitled "developments in the field of human rights." The MFA will "carefully consider" the U.S. proposal to visit Tibet on May 23-24, but speaking personally, Xu said China would likely "have difficulty" approving the Tibet stop. PolOff emphasized the importance of holding a dialogue that is focused and results-oriented. End Summary.

China Will Consider U.S. Requests; Flexible on Venue

¶2. (C) MFA IO Human Rights Division Deputy Director Xu Jing told PolOff April 21 that China will formally respond at a later date to the U.S. proposals for resuming the formal bilateral Human Rights Dialogue (HRD) (ref A). Xu nonetheless said she would be pleased to immediately share her "preliminary reactions." China will give "positive consideration" to our request that AFM Liu Jieyi lead China's HRD delegation, Xu said, as well as to our request that DRL A/S Kramer meet with State Councilor Dai Bingguo or Foreign Minister Yang Jiechi. The proposed dates of May 26 for dialogue and May 27 for other meetings "work well" for China. Abandoning a position MFA took in April, Xu said that China is now willing to hold the May dialogue round in Washington, if the U.S. side wishes. When asked why Beijing has changed its stance on venue, Xu replied only that she understood it is "Washington's turn in the rotation" and that "China has become more flexible." Xu nonetheless repeated that it will be "easier" for MFA to secure the participation of "relevant ministries" if the HRD takes place in Beijing.

Beijing "Can Accept" U.S. Proposed Topics

¶3. (C) Xu said she believes that China "can accept" the HRD topics proposed by the United States, but that it would "make MFA leaders happy" if the written agenda follows the structure of the two-part framework agenda proposed by China in April (ref B). The four main topics proposed by the United States, Xu asserted, fit within China's first proposed framework topic, "developments in the field of human rights."

Although the topics proposed by the U.S. side are "acceptable" and can encompass discussion of Tibet, Xu asked that the title of one topic, "Human Rights Defenders and Prisoners of Concern," be re-labeled simply as, "Cases of Concern." This proposed change would not "in any way" affect the scope of discussion, Xu argued, but would simply make the agenda "more palatable" to the Chinese officials responsible for approving it. Xu said she was aware that A/S Kramer had agreed to China's second proposed framework topic, "cooperation in multilateral fora." Xu also told PolOff that she expects the United States will want to raise Sudan and Burma as part of this discussion.

China Will "Carefully Consider" Site Visit to Tibet

¶4. (C) China will "carefully consider" the U.S. request for a May 23-24 site visit to Tibet, Xu said. Noting that she had no instructions for responding officially to this request, Xu said that speaking personally, China would likely have "difficulty" approving it. Xu acknowledged that a British delegation traveled to Tibet in February as part of the China-U.K. human rights dialogue but said that circumstances

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there "are much more sensitive now." In the current environment, "splittist groups" will take every possible opportunity to "use a high-level visit by U.S. officials to further their agenda." U.S. officials speaking to media about a Tibet visit, Xu speculated, might feel "pressured" to say things that would "embarrass China." Arranging a site visit for a highlevel U.S. delegation to Tibet, Xu said, woul be "much more difficult" than it was for MFA t arrange the recent visits by journalists and diplomats to Lhasa.

MFA Looks Forward to Further Discussions

¶5. (C) PolOff emphasized to Xu the importance to the United States of a dialogue that is concretely focused and results-oriented. Regarding results, Xu asserted that Chinese responses to questions on the status of prisoners and announcement of technical cooperation in rule of law-related areas would be "significant results." PolOff replied that these steps, though important, almost certainly would not be enough. Regarding prisoner cases, PolOff told Xu that China's preparation for a successful HRD round should focus not only on responses to requests for information, but also on releases of prisoners in high-profile cases. Rather than simply delivering to the U.S. delegation China's purported "record of achievements" on human rights and the rule of law, it would likely be more useful, PolOff asserted, for our two sides to discuss key areas where cooperation on rule of law subjects is possible. Xu made no commitments but stated that she and her MFA colleagues look forward to further discussions directed at ensuring a "successful" HRD.

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